

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JASMINE SHEPARD

PLAINTIFF

VS.

CIVIL ACTION NO. 4:17-CV091-DMB-JMV

**THE CLEVELAND SCHOOL DISTRICT,
STEVEN CRADDOCK, in his individual capacity,
DR. JACQUELINE THIGPEN,
in her individual and official capacity**

DEFENDANTS

**FIRST AMENDED COMPLAINT
(Jury Trial Demanded)**

1. NATURE OF THE CASE

1. This is an action for monetary damages and for declaratory relief to enforce the provisions of the Fourteenth Amendment to the United States Constitution and to prevent future deprivation of the rights, privileges and immunities secured by the federal constitution and applicable state statutes.

II. JURISDICTION & VENUE

2. The jurisdiction of the Court invoked under Title 28 of the United States Code §§1331, 13143(3), 1343(4) and 2201. This complaint being further authorized by Title 42 of the United States Code §1983. The actions complained of the U.S. District Court for the Northern District of Mississippi.

III. PARTIES

3. Plaintiff, Jasmine Shepard, is an African-American female resident of Cleveland, Mississippi. Jasmine Shepard earned the title of valedictorian for the 2016 school year at Cleveland High School in Cleveland, MS. Plaintiff seeks monetary damages as a result of Cleveland High School failing to follow the established policies and procedures for selecting a valedictorian for Cleveland High school. Defendants, upset by a recent desegregation order, selected , a white female and Jasmine Shepard as co-valedictorians for Cleveland High School's 2016 graduating class. Prior to 2016, Cleveland High School had never selected co-valedictorians. Plaintiff further seeks declaratory relief to have Jasmine Shepard publicly declared her as the sole valedictorian of the Cleveland High School senior class of 2016.

4. Defendant Cleveland School District is a body corporate and political subdivision of the State of Mississippi, duly established under the laws and constitution of said State. It has policy making and administrative responsibilities of the Cleveland School System and has the power of suing and being sued in its own name. Defendant Cleveland School District may be served with process of this Court by serving a copy of the summons and complaint upon its current superintendent, Dr. Jacqueline Thigpen at 1016 Taylor Cove, Cleveland, Mississippi 38732.

5. Defendant Steven Craddock is the principal of Cleveland High School, and he is being sued in his individual and official capacity. He may be served with process of this Court at 300 W Sunflower Rd., Cleveland, Mississippi 38732.

6. Dr. Jacqueline Thigpen is the superintendent of the Cleveland School District, and she is being sued in her individual and official capacity. She may be served with process of this Court at 1016 Taylor Cove, Cleveland, Mississippi 38732.

7. At all times set out herein, defendants were and have been acting under color of the statutes, ordinances, rules, regulations, and policies of the State of Mississippi and the Cleveland School District.

IV. FACTS

8. One day before Cleveland High School's May 20, 2016 graduation, school officials awarded the title and status of Co-valedictorian of the Cleveland High School graduating class of 2016 to Jasmine Shepard, an African American female, and , a white female.

9. Jasmine Shepard and H.B. were selected as co-valedictorians after school officials failed to follow the district's policy of naming as valedictorian the Senior with the highest-grade point average.

10. The selection of Jasmine Shepard and as co-valedictorians came on the heels of a federal judge's ruling that the Cleveland School District had failed to desegregate its schools approximately 50 years after the school district had been ordered to desegregate.

11. Prior to 2016, all of Cleveland High School's valedictorians were white, and Cleveland High School had never had an African-American valedictorian. African-Americans had only been valedictorians at Eastside High School, a school which virtually no whites attend.

12. When Sherry Shepard learned that school officials had selected co-valedictorians for the first time in the 110-year history of Cleveland High School, she complained to Steven Craddock and Dr. Jacqueline Thigpen.

13. Upon information and belief, H.B. should not have been selected as a co-valedictorian. H.B. had a lower grade point average than Jasmine Shepard. Steven Craddock as principal and Dr. Thigpen as superintendent had a duty to ensure that the high school select the student with the highest grade point average as the valedictorian. Steven Craddock and Dr. Thigpen allowed individuals at Cleveland High School and others to give H.B. five points for Human Anatomy and Physiology and six points for an online Physics course. According to the district's student handbook and curriculum guide, Human Anatomy and Physiology and online Physics are not accelerated or advanced courses. As such, H.B. should have received four points for Human Anatomy and Physiology and four points for online Physics. Had Steven Craddock and Dr. Thigpen ensured that H.B. only received points authorized by the district, H.B. would not have been selected as a co-valedictorian and only Jasmine Shepard would have been named valedictorian.

14. In addition, Steven Craddock and Dr. Thigpen allowed H.B. to take online Physics but did not inform Jasmine Shepard that she could take online Physics.

15. As a result of the school official's unprecedented action of making an African-American student share the valedictorian award with a white student, the defendants discriminated against Jasmine Shepard in violation of the Fourteenth Amendment to the United States Constitution. In addition, the defendants discriminated against Jasmine Shepard when they allowed H.B. to take online Physics but did not provide Jasmine

Shepard with the same opportunity. Plaintiff has suffered humiliation, loss of self-esteem, embarrassment, loss of opportunities, mental anguish, emotional distress, pain and suffering, and other damages to be shown at the trial of this matter.

V. CAUSES OF ACTION

16. The Cleveland School District and other defendants herein violated plaintiff's constitutionally protected rights under the Fourteenth Amendment to the United States Constitution resulting in the denial of protected rights of an African American female student in deference to a white female student on account of race or color. At all times pertinent herein, Jasmine Shepard had a clearly established right to receive the same educational opportunities afforded whites in the Cleveland School District. In addition, Jasmine Shepard had a clearly established right to due process. The defendants violated Jasmine Shepard's right to due process when they gave H.B. more points for courses than allowed by the school district's policies and procedures.

17. Plaintiff shows that a real and actual controversy exists regarding adherence to school board policies and procedures which affect all students in the Cleveland School District including Jasmine Shepard who was stripped of her distinction by school officials who should have ensured that its first African-American valedictorian enjoyed the equal protection, rights and privileges that its white valedictorian at Cleveland High School had been afforded for 110 years.

17. Jasmine Shepard has suffered irreparable injury as a result of Defendants unprecedented, unilateral, blatant, and unconscionable discriminatory actions.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS that this Court take jurisdiction of this case and:

- 1). Award Plaintiff monetary damages in an amount to be determined by a jury.
- 2). Award Plaintiff the costs and expenses of this litigation together with her reasonable attorney's fees;
- 3). Order that the defendants follow the district's policies and procedures for selecting valedictorian at high schools in Cleveland, MS.
- 4). Enter a declaratory judgment that Jasmine Shepard is the sole valedictorian for Cleveland High School's graduating class of 2016; and,
- 5). Retain jurisdiction of this action and grant Plaintiff any further relief which may in the discretion of this Court be necessary and proper to ensure racially fair selections of valedictorians at high schools in the Cleveland School District.

RESPECTFULLY SUBMITTED this, the 18th day of January 2018.

By: //s// Lisa M. Ross
Lisa M. Ross (MSB#9755)
Post Office Box 11264
Jackson, MS 39283-1264
(601) 981-7900 (telephone)
(601) 981-7917 (facsimile)